

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
) INDICTMENT NO. 05-10039-NG
)
v.)
)
ARCENIO POCHE-CHACON)
aka ANDRES DEL ROSARIO ALAYON)

DEFENDANT’S ASSENTED TO MOTION TO CONTINUE
HEARING ON MOTION TO SUPPRESS AND FOR AN ORDER FOR A PRE-PLEA
PRESENTENCE REPORT

Arcenio Poche-Chacon (the “Defendant”), in the above-numbered Indictment and through Counsel, moves this Court to continue the hearing on this matter currently scheduled for March 27, 2006 and to order a pre-plea pre-sentence report as to the defendant’s criminal history only.

In support of this motion the defendant’s counsel states that the government and the defense have been negotiating a disposition of this matter short of trial. It is necessary, however, that the defendants criminal history be accurately calculated prior to the defendant’s entry of a plea. This request is especially important in light of the defendant’s use of an alias in this matter so as to accurately determine his criminal history.

Respectfully submitted,
ARCENIO POCHE-CHACON,
By his Counsel:

‘/s/Walter H. Underhill, Esquire’
WALTER H. UNDERHILL
66 Long Wharf
Boston, Massachusetts 02110
(617) 523-5858

DATED: March 23, 2006

SPEEDY TRIAL WAIVER

The defendant agrees that the time from March 26, 2006 until the next scheduled hearing date on the defendant's motions to suppress is excludable time under the Speedy Trial Act and hereby waives said period of time.

SIGNED: '/s/Walter H. Underhill, Esquire'
WALTER H. UNDERHILL, ESQ.

RULE 7.1 CERTIFICATION

The parties have had an opportunity to confer on this motion and the motion is assented to by the attorney for the Government, Cynthia Lie, Esquire.

SIGNED: '/s/Walter H. Underhill, Esquire'

DATE: March 23, 2006

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

SIGNED: '/s/Walter H. Underhill, Esquire'
WALTER H. UNDERHILL, ESQ.

DATE: March 23, 2006